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#131641

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Docket PHO-120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )

Dees et al. )

Serial No.: 09/817,448 )

Filed: March 26, 2001 )

For: Intracorporeal Medicaments For High )  
Energy Phototherapeutic Treatment )  
Of Disease )

Examiner: G. Gabel )

Art Unit: 1641 )

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Shannon Wallace

Date: July 1, 2003

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.97, Applicant hereby calls the Examiner's attention to documents listed on the attached form PTO/SB/08A which documents may be material to the examination of this application. A copy of each reference is included herewith. These references were recently cited in an EPO application corresponding to the present application.

No interference should be drawn that any apparatus disclosed is equivalent to the subject invention.

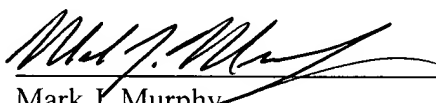
The citation of the above discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

The undersigned states that these documents were cited by the EPO within the last three months as shown by the May 14, 2003 date on the EPO search report. Therefore, no fee is believed to be due. If any fee is due, please charge our deposit account no. 50-1039.

Respectfully submitted,

Dated: *June 30, 2003*

  
Mark J. Murphy  
Registration No. 34,225

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22313-1450 on July 1, 2003

Approved for use through 04/30/2003. OMB 0651-0031

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Substitute for form 1449/PTO

*(Use as many sheets as necessary)*

Sheet	1	of	2
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Application Number	09/817,449
Filing Date	March 26, 2009
First Named Inventor	H. Craig DeLoach
Art Unit	1641
Examiner Name	G. Gabel
Attorney Docket Number	PHO-120

[illegible]

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent/Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			
		WO 99/45869	6/16/1999	Advanced Corneal Systems, Inc.	
		WO 00/25665	5/11/2000	Photogen, Inc.	
		WO 00/43045	7/27/2000	Photogen, Inc.	

Date  
Considered

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, D C 20231.**

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

**Complete if Known**

Application Number	09/817.449
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<b>Filing Dat</b>	March 26, 2001
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First Named Inventor	H. Craig DEES et al
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Art Unit	1641
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Examiner Name	G. Gabel
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Attorney Docket Number	PHO-120
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Sheet	2	of	2
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## OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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